

Trade Bill

RUNNING LIST OF ALL
AMENDMENTS ON REPORT

Tabled up to and including

1 December 2020

[Sheets HL Bill 128 – R(a) to (h)]

Clause 2

BARONESS MCINTOSH OF PICKERING

Page 2, line 18, at end insert “and where the new agreement is in wholly or substantially similar terms to that between the partner country and the EU.”

Member’s explanatory statement

This amendment would limit the application of delegated powers to the “roll-over” of existing agreements.

Page 2, line 23, at end insert “and where the new agreement is in wholly or substantially similar terms to that between the partner country and the EU.”

Member’s explanatory statement

This amendment would limit the application of delegated powers to the “roll-over” of existing agreements.

After Clause 2

LORD PURVIS OF TWEED
THE LORD BISHOP OF ST ALBANS
LORD STEVENSON OF BALMACARA
LORD CURRY OF KIRKHARLE

Insert the following new Clause—

“Parliamentary approval of trade agreements

- (1) Nothing in this section restricts the power conferred by Her Majesty’s prerogative to commence, conduct negotiations towards and then conclude a trade agreement.
- (2) If a decision has been made by the Secretary of State to commence negotiations towards a free trade agreement, a statement must be made to both Houses of Parliament.

After Clause 2 - continued

- (3) Negotiations for that trade agreement may not proceed until the Secretary of State has laid draft negotiating objectives in respect of that agreement before Parliament, and a motion endorsing draft negotiating objectives has been approved by a resolution of each House of Parliament.
- (4) Prior to the draft negotiating objectives being laid, the Secretary of State must—
 - (a) consult each devolved authority on the content of the draft negotiating objectives, and
 - (b) produce a sustainability impact assessment including, but not limited to, an assessment of the impact of the proposed negotiating objectives on human, animal or plant life or health, animal welfare, environmental protection, human rights and equalities, and employment and labour.
- (5) A sustainability impact assessment under subsection (4)(b) must include—
 - (a) a statement on how the proposed trade agreement will advance the meeting of the Sustainable Development Goals; and
 - (b) a plan to maintain UK levels of statutory protection on the protection of human, animal or plant life or health, animal welfare, environmental protection, human rights and equalities, and employment and labour.
- (6) The Secretary of State must inform both Houses of Parliament, and any Select Committee charged by the relevant House with scrutinising trade negotiations in a manner and to an extent agreed with the Committee, of developments in the negotiations, but this does not affect the power of the Secretary of State to conduct negotiations as the Secretary of State considers appropriate.
- (7) For the purposes of subsection (6), “developments” means—
 - (a) a pause in negotiations;
 - (b) an ending of negotiations;
 - (c) the conclusion of a negotiated round of discussions;
 - (d) the decision to agree in principle an agreement; or
 - (e) other necessary aspects of the negotiations of which the Secretary of State considers it necessary to inform Parliament.
- (8) The United Kingdom may not become a signatory to a free trade agreement to which this section applies unless a draft of the agreement in the terms in which it is to be presented for signature by parties to the agreement has been laid before, and approved by, a resolution of each House of Parliament.
- (9) Before a Minister of the Crown moves a resolution to approve the text of a proposed free trade agreement in either House of Parliament, the Secretary of State must—
 - (a) consult each devolved authority on the text of the proposed agreement, and
 - (b) lay before Parliament an independent impact assessment of the agreement including, but not limited to, the requirements in subsection (4).
- (10) In this section—

“devolved authority” has the meaning given in section 4(1) of this Act;

After Clause 2 - continued

“free trade agreement” means any agreement which is—

- (a) within the definition given in section 4(1) of this Act, and
- (b) an agreement between the United Kingdom and one or more partners that includes components that facilitate the trade of goods, services or intellectual property;

“UK levels of statutory protection” means levels of protection provided for by or under any—

- (a) primary legislation,
- (b) subordinate legislation, or
- (c) retained direct EU legislation,

which has effect in the United Kingdom, or the relevant part of the United Kingdom, on the date on which the sustainability impact assessment is produced.”

BARONESS MCINTOSH OF PICKERING

BARONESS HENIG

BARONESS JONES OF MOULSECOOMB

BARONESS RITCHIE OF DOWNPATRICK

Insert the following new Clause—

“Trade and Agriculture Commission

- (1) A body corporate called the Trade and Agriculture Commission (“TAC”) is established.
- (2) The TAC must establish criteria for maintaining standards equivalent to standards applied within the United Kingdom at the time of import for goods imported under a trade agreement between the United Kingdom and any other state.
- (3) When the Secretary of State is undertaking negotiations for an international trade agreement on behalf of the United Kingdom with another state, the Secretary of State must consider any advice given by the TAC for the purposes of ensuring that the international trade agreement does not reduce or compromise standards.
- (4) A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 that contains provisions relating to the importation of goods into the United Kingdom unless Conditions A, B and C have been met.
- (5) Condition A is that the TAC has prepared a report assessing the extent to which the international trade agreement is likely to reduce the ability of the United Kingdom to maintain standards.
- (6) Condition B is that a Minister of the Crown has laid the report before Parliament.
- (7) Condition C is that each House of Parliament has agreed a motion, moved in accordance with subsection (8) by a Minister of the Crown, that the international trade agreement does not diminish standards within the meaning of this section.

After Clause 2 - continued

- (8) So far as practicable, a Minister of the Crown must make arrangements for the motion mentioned in subsection (7) to be debated and voted on by each House of Parliament within a period of 42 days beginning with the day on which the report was laid under subsection (6).
- (9) In this section, “standards” means standards relating to—
 - (a) animal welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability,
 - (d) plant health, and
 - (e) employment and human rights.
- (10) Schedule (*The Trade and Agriculture Commission*) makes further provision about the TAC.”

LORD COLLINS OF Highbury
 LORD PURVIS OF Tweed
 LORD ALTON OF LIVERPOOL
 THE LORD BISHOP OF ST ALBANS

This amendment replaces an amendment tabled in the name of Lord Collins of Highbury, published on daily sheet 128 – R(c)

Insert the following new Clause—

“Free trade agreements: determination on compliance with international obligations and state actions

- (1) Before publishing the objectives and any initial impact assessments of a proposed trade agreement to be implemented under the Constitutional Reform and Governance Act 2010, the Government must conduct a risk assessment which considers whether the agreement would comply with the United Kingdom’s international treaties and other obligations, with particular reference to human rights, and examines serious violations committed, or alleged to have been committed by the state or states who will be signatory to the proposed trade agreement.
- (2) The risk assessment under subsection (1) must be presented to the relevant Committees in both Houses of Parliament.
- (3) Before a trade agreement can be laid before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 (“the CRAG procedure”), Ministers of the Crown must determine whether the trade agreement, if ratified, would be compliant with the United Kingdom’s international obligations, with particular reference to human rights, and whether serious violations have been committed by the state or states of the signed trade agreement. Such a determination must be published and made available to the relevant Committees at the same time as they are requested to consider a signed trade agreement.

After Clause 2 - continued

- (4) The Government must present an annual report to the relevant Committees in both Houses of Parliament on the continuing compliance of trade agreements with the United Kingdom's international obligations, with particular reference to human rights, and which examines serious violations committed or alleged to have been committed by the state or states who are signatory to the trade agreement since it was signed. If breaches of the United Kingdom's international obligations or serious violations have taken place, Ministers of the Crown must make a determination on the continuation of a trade agreement.
- (5) In this section, "serious violations" include an activity by a state which would violate an individual's—
 - (a) right to life, including but not limited to genocide;
 - (b) right not to be subjected to torture or cruel inhuman or degrading treatment or punishment;
 - (c) right to be free from slavery and not to be held in servitude or required to perform forced or compulsory labour; or
 - (d) other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.
- (6) In this section, "trade agreement" refers to any agreement between the United Kingdom and one or more partners that includes components that facilitate the trade of goods, services or intellectual property, including but not limited to—
 - (a) free trade agreements as defined by section 4;
 - (b) Interim Association Agreements and Association Agreements;
 - (c) Economic Partnership Agreements;
 - (d) Interim Partnership Agreements;
 - (e) Stabilisation and Association Agreements;
 - (f) Global Agreements;
 - (g) Economic Area Agreements;
 - (h) Cooperation Agreements;
 - (i) Comprehensive Economic and Trade Agreements;
 - (j) Association Agreements with strong trade component;
 - (k) Transatlantic Trade and Investment Partnerships; and
 - (l) Investment Protection Agreements."

After Clause 2 - continued

LORD ALTON OF LIVERPOOL
BARONESS KENNEDY OF THE SHAWES
LORD FORSYTH OF DRUMLEAN
BARONESS FALKNER OF MARGRAVINE

Insert the following new Clause—

“Agreements with states accused of committing genocide

- (1) International bilateral trade agreements are revoked if the High Court of England and Wales makes a preliminary determination that they should be revoked on the ground that another signatory to the relevant agreement represents a state which has committed genocide under Article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, following an application to revoke an international bilateral trade agreement on this ground from a person or group of persons belonging to a national, ethnic, racial or religious group, or an organisation representing such a group, which has been the subject of that genocide.
- (2) This section applies to genocides which occur after this section comes into force, and to those considered by the High Court to have been ongoing at the time of its coming into force.”

LORD BLENCATHRA
LORD ALTON OF LIVERPOOL

Insert the following new Clause—

“Agreements with states accused of committing human rights abuses

- (1) International trade agreements are revoked if the High Court of England and Wales makes a preliminary determination that they should be revoked on the ground that another signatory to the relevant agreement represents a state which has committed any abuses of the human rights listed in Schedule (*Human rights*), following an application to revoke an international trade agreement on this ground from a person or group of persons or an organisation which has reasonable grounds for believing that such human rights abuses took place.
- (2) This section applies to human rights abuses which occur after this section comes into force, and to those considered by the High Court to have been ongoing at the time of its coming into force.
- (3) The Minister may by regulations amend the list of human rights abuses listed in Schedule (*Human rights*).
- (4) Regulations under this section are subject to the affirmative resolution procedure.”

After Clause 2 - continued

BARONESS THORNTON
LORD FREYBERG
LORD PATEL
LORD FOX

This amendment replaces an amendment tabled in the name of Baroness Thornton, published on daily sheet 128 – R(d)

Insert the following new Clause –

“International trade agreements: health, care or publicly funded data processing services and IT systems in connection with the provision of health and care

- (1) Regulations under section 2(1) may make provision for the purpose of implementing an international trade agreement only if the conditions in subsections (2), (3) and (4) are met in relation to the application of that agreement in any part of the United Kingdom.
- (2) The condition in this subsection is that no provision of that international trade agreement in any way undermines or restricts the ability of an appropriate authority –
 - (a) to provide a comprehensive publicly funded health service free at the point of delivery,
 - (b) to protect the employment rights or terms and conditions of employment for public sector employees and those working in publicly funded health or care sectors,
 - (c) to regulate and maintain the quality and safety of health or care services,
 - (d) to regulate and maintain the quality and safety of medicines and medical devices,
 - (e) to regulate and control the pricing and reimbursement systems for the purchase of medicines or medical devices,
 - (f) to provide health data processing services and IT systems for commissioners, analysts and clinicians in relation to patient data, public health data and publicly provided social care data relating to UK citizens, or
 - (g) to regulate and maintain the level of protection afforded in relation to patient data, public health data and publicly provided social care data relating to UK citizens.
- (3) The condition in this subsection is that the agreement –
 - (a) explicitly excludes application of any provision within that agreement to publicly funded health or care services,
 - (b) explicitly excludes provision for any Investor-State Dispute Settlement (ISDS) clause that provides, or is related to, the delivery of public services, health care, care or public health,
 - (c) explicitly excludes provision for any ISDS clause regarding data access and processing in relation to patient and public health data for the purposes of research, planning and innovation,

After Clause 2 - continued

- (d) explicitly excludes the use of any negative listing, standstill or ratchet clause that provides, or is related to, the delivery of public services, health care, care or public health,
 - (e) contains explicit recognition that an appropriate authority (within the meaning of section 4) has the right to enact policies, legislation and regulation which protect and promote health, public health, social care and public safety in health or care services, and
 - (f) prohibits the sale of patient data, public health data and publicly provided social care data, except where all proceeds are explicitly ring-fenced for reinvestment in the UK's health and care system.
- (4) The condition in this subsection is that the agreement explicitly allows, in the case of any traded algorithm or data-driven technology which could be deployed as a medical device, for the methodology for processing sensitive data to be independently audited or scrutinised for potential harm by an appropriate regulatory body in the United Kingdom where it relates to trade in medical algorithms, technology or devices.
- (5) For the purposes of this section –
- “negative listing” means a listing only of exceptions, exclusions or limits to commitments made by parties to the agreement;
- “ratchet” in relation to any provision in an agreement means any provision whereby a party, if (after the agreement has been ratified) it has unilaterally removed a barrier in an area where it had made a commitment before the agreement was ratified, may not reintroduce that barrier; and
- “standstill” in relation to any provision in an agreement means any provision by which parties list barriers which are in force at the time that they sign the agreement and undertake not to introduce any new barriers.”

Member's explanatory statement

This new Clause would aim to protect the NHS, health, care or publicly funded data processing services and IT systems in connection with the provision of health and care in other parts of the UK from any form of control from outside the UK through trade agreements.

LORD LANSLEY

Insert the following new Clause –

“Ratification of international trade agreements and treaties

- (1) The Constitutional Reform and Governance Act 2010 is amended as follows.
- (2) In section 20 (treaties to be laid before Parliament before ratification), after subsection (1)(b) insert –
 - “(ba) where the treaty is an international trade agreement as defined in the Trade Act 2020 –
 - (i) a Minister of the Crown has published an analysis of the requirement for the treaty to be implemented through changes to domestic legislation, and

After Clause 2 - continued

- (ii) where changes to domestic legislation would be required as described in the analysis under paragraph (ba)(i), the necessary legislation has been laid in the form of a statutory instrument or the necessary primary legislation has been enacted.”
- (3) In section 21 (extension of 21 sitting day period), after subsection (2) insert—
“(2A) Where a relevant Committee of either House of Parliament has recommended that a treaty constituting an international trade agreement as defined by the Trade Act 2020 should be debated in that House, the Minister of the Crown must ensure that the period does not expire before that debate has taken place.””

LORD FOX
LORD PURVIS OF TWEED
BARONESS BULL
THE EARL OF CLANCARTY

Insert the following new Clause—

“Mobility framework with the European Union

For the purposes of facilitating the continuation of trade with the European Union, the Secretary of State must take all necessary steps to secure a mobility framework with the European Union that enables all UK and EU citizens to exercise the same reciprocal rights to work, for the purpose of the provision of trade in goods or services.”

Member’s explanatory statement

The new Clause places an obligation on the Secretary of State to take all necessary steps to secure a mobility framework with the European Union.

LORD OATES
LORD PURVIS OF TWEED

Insert the following new Clause—

“Conditions for trade agreements: climate change obligations

- (1) The United Kingdom may only become a signatory to an international trade agreement if the conditions in subsections (3) and (4) are satisfied.
- (2) The Secretary of State may not lay a copy of an international trade agreement before Parliament under Section 20(1) of the Constitutional Reform and Governance Act 2010 unless the conditions in subsections (3) and (4) are satisfied.
- (3) The condition under this subsection is that a Minister of the Crown has made a statement to Parliament that the agreement is compliant with—
 - (a) the Climate Change Act 2008 as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (S.I. 2019/1056); and
 - (b) the United Kingdom’s international obligations to tackle climate change, including but not limited to, the agreement adopted under the United Nations Framework Convention on Climate Change in Paris on 12 December 2015.

After Clause 2 - continued

- (4) The condition under this subsection is that—
- (a) a Minister of the Crown has made a statement to Parliament confirming that the agreement will not give rise to a net increase in greenhouse gas emissions; or
 - (b) a Minister of the Crown has laid before Parliament a detailed schedule of measures to mitigate in full any net increase in greenhouse gas emissions arising from the agreement.”

Member’s explanatory statement

The new Clause ensures that trade agreements cannot be signed or approved if they are consistent with the UK’s climate change obligations and that the Secretary of State has made statements to Parliament confirming that the agreement will not increase greenhouse gas emissions.

BARONESS KRAMER
LORD PURVIS OF TWEED

Insert the following new Clause—

“Investor-state dispute settlement

- (1) The United Kingdom may only become a signatory to an international trade agreement if the conditions in subsections (3) and (4) are satisfied.
- (2) The Secretary of State may not lay a copy of an international trade agreement before Parliament under Section 20(1) of the Constitutional Reform and Governance Act 2010 unless the conditions in subsections (3) and (4) are satisfied.
- (3) The condition under this subsection is that an international trade agreement must include a commitment by all parties to the agreement to pursue with other trading partners the establishment of a multilateral investment tribunal and appellate mechanism for the resolution of investment disputes.
- (4) The condition under this subsection is that—
 - (a) legal proceedings brought against the United Kingdom under investment protection provisions included in an international trade agreement must be heard by the courts and tribunals system of the United Kingdom, and
 - (b) the provision in paragraph (a) ends for any international trade agreement when a multilateral investment tribunal and appellate mechanism for the resolution of investment disputes is established under that trade agreement.”

Member’s explanatory statement

This new Clause would ensure that there is a commitment by all parties to a trade agreement to pursue the establishment of a multilateral investment process to adjudicate on investor disputes.

LORD PURVIS OF TWEED

Insert the following new Clause –

“Prohibition of tied aid in trade and procurement

- (1) The United Kingdom may only become a signatory to an international trade agreement with a Least Developed Country or a Lower Middle Income Country and Territory if the conditions in subsection (3) are satisfied.
- (2) The Secretary of State may not lay a copy of an international trade agreement with a Least Developed Country or a Lower Middle Income Country and Territory before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the conditions in subsection (3) are satisfied.
- (3) The conditions are –
 - (a) the United Kingdom commits in the agreement to complying with the Recommendation on Untying Official Development Assistance as adopted by the OECD Development Assistance Committee (DAC) on 25 April 2001, and as amended;
 - (b) no provision of the agreement is subject to a condition restricting the state the United Kingdom has made the agreement with from receiving aid other than those as agreed under the principles of the Recommendation; and
 - (c) the United Kingdom, so far as reasonably practicable, has committed that there will be no significant impediment in the purchasing process of goods or services from the United Kingdom which would have the effect of a narrower restriction than that on the states from which goods or services will be purchased by the United Kingdom using aid.
- (4) If the conditions in subsection (3) are not included in an international trade agreement made before this Act comes into effect, no regulations can be made under section 2(1) to implement the agreement.
- (5) The Secretary of State must include in the annual report required under section 1 of the International Development (Reporting and Transparency) Act 2006 (annual reports: general) a statement on how the UK has met its commitments under subsection (3).
- (6) The Secretary of State may not make regulations under section 1 which are inconsistent with the OECD DAC Good Procurement Practices for Official Development Assistance.
- (7) The requirements relating to trade and aid on the Secretary of State in this section are in addition to the duties as required in the International Development Act 2002, the International Development (Reporting and Transparency) Act 2006, the International Development (Gender Equality) Act 2014, and the International Development (Official Development Assistance Target) Act 2015.
- (8) In this section, the definition of aid includes support for –
 - (a) balance of payments and structural adjustment support;
 - (b) debt forgiveness;
 - (c) sector and multi- sector programme assistance;
 - (d) investment project aid;
 - (e) import and commodity support;

After Clause 2 - continued

- (f) commercial services contracts; and
- (g) overseas development assistance to Non-Governmental Organisations for procurement related activities.”

LORD HAIN
 BARONESS RITCHIE OF DOWNPATRICK
 BARONESS SUTTIE
 BARONESS ALTMANN

Insert the following new Clause –

“Trade agreement with the EU: compliance with the Protocol on Ireland/Northern Ireland

Any trade agreement between the United Kingdom and the European Union that is subject to sections 20 to 25 of the Constitutional Reform and Governance Act 2010 is not to be ratified unless it fully complies with the requirements of the Protocol on Ireland/Northern Ireland as part of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as signed and ratified by Her Majesty’s Government.”

Insert the following new Clause –

“Continuation of North-South trade and prevention of customs arrangements at borders

- (1) An international trade agreement between the United Kingdom and the European Union may not be ratified under sections 20 to 25 of the Constitutional Reform and Governance Act 2010 unless the agreement –
 - (a) is compatible with the terms of the Northern Ireland Act 1998;
 - (b) is compliant with the requirements of the Protocol on Ireland/Northern Ireland as part of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community; and
 - (c) does not –
 - (i) negatively affect any form of North-South trade in goods or services or the operation of the relevant North-South implementation bodies, or
 - (ii) create or facilitate customs arrangements between Northern Ireland and the Republic of Ireland after IP completion day which feature –
 - (a) physical infrastructure related to customs checks,
 - (b) a requirement for customs or regulatory compliance checks,
 - (c) random checks on goods vehicles, or
 - (d) any other checks and controls related to trade, that did not exist before IP completion day and which are not subject to an agreement between Her Majesty’s Government and the government of Ireland.

After Clause 2 - continued

- (2) In this section “IP completion day” has the meaning set out in section 39 of the European Union (Withdrawal Agreement) Act 2020 (interpretation).”

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Investor-state dispute settlement mechanisms

- (1) The United Kingdom may only become a signatory to an international trade agreement if the conditions in either of subsection (3) or (4), and in subsection (5) are met.
- (2) The Secretary of State may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the conditions in either of subsection (3) or (4), and in subsection (5) are met.
- (3) The condition in this subsection is that the international trade agreement does not contain any form of investor-state dispute settlement mechanism applicable to any part of the United Kingdom in relation to a claim brought by a foreign investor against a United Kingdom public authority except to the extent that—
 - (a) the laws of the United Kingdom administered in the courts and tribunals of the United Kingdom so provide, and
 - (b) a person (whether or not an investor) domiciled in the United Kingdom has equal protection under those laws and equal access to redress for any such claim in those courts and tribunals.
- (4) If, in the view of the Secretary of State, there is a substantive case for including an investor-state dispute settlement mechanism which is other than as described in subsection (3) in an international trade agreement, the condition in this subsection is that a Minister of the Crown has moved a motion to that effect in each House of Parliament in advance of the approval of the mandate for that international trade agreement, and the mandate has been approved without amendment by each House of Parliament.
- (5) The condition in this subsection is that the international trade agreement includes a commitment, by all parties to the agreement, to pursue with other trading partners the establishment of a multilateral investment tribunal and appellate mechanism for the resolution of investment disputes.
- (6) In subsection (3), “public authority” includes the Crown, Parliament, an appropriate authority as defined in section 4(1), a local authority, and any person who has functions which include functions of a public nature.”

After Clause 2 - continued

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause—

“Ratification of international trade agreements

- (1) An international trade agreement may not be ratified unless it enables the United Kingdom to require imports to meet standards that are equivalent to the principal standards laid down by primary and subordinate legislation in the United Kingdom regarding food safety, the environment and animal welfare.
- (2) The condition in subsection (1) does not apply if the international trade agreement is with one or more least developed countries and, in the Secretary of State’s opinion, is seeking equivalence on standards which would present an unfair impediment to trade for the country or countries concerned.
- (3) The Secretary of State must by regulations specify which of the standards laid down by legislation in the United Kingdom regarding food safety, the environment and animal welfare are principal standards for the purpose of subsection (1).
- (4) Regulations made under subsection (3) are subject to affirmative resolution procedure.
- (5) In this section “least developed countries” means any country on the United Nations Committee of Development’s List of Least Developed Countries, as amended from time to time.”

Member’s explanatory statement

This new Clause ensures that UK standards regarding food safety, the environment and animal welfare cannot be undermined by imports produced to lower standards.

BARONESS BENNETT OF MANOR CASTLE

Insert the following new Clause—

“Conditions for trade deals: environmental obligations

- (1) Regulations under section 2(1) may make provision for the purpose of implementing an international trade agreement only if the provisions of that international trade agreement are consistent with the achievement of the United Kingdom’s climate and environmental commitments.
- (2) Any future international trade agreement not implemented under section 2 is only eligible for signature or ratification by the United Kingdom if the provisions of that international trade agreement are consistent with the achievement of the United Kingdom’s climate and environmental commitments.
- (3) An international trade agreement is only eligible for signature or ratification by the United Kingdom once the Secretary of State has laid before Parliament a report that explains whether, or to what extent, the provisions of that international trade agreement, or any other agreements made during the course of negotiating that international trade agreement, are consistent with –

After Clause 2 - continued

- (a) the achievement of the United Kingdom’s climate and environmental commitments, and
 - (b) the maintenance of the United Kingdom’s levels of statutory protection in relation to—
 - (i) human, animal or plant life or health,
 - (ii) animal welfare, and
 - (iii) the environment.
- (4) Within 12 months of making regulations under section 2(1) or ratifying a future trade agreement, a Minister of the Crown must lay before Parliament a report assessing the impact of the regulations or trade agreement on the United Kingdom’s environmental commitments.
- (5) In this section the “United Kingdom’s climate and environmental commitments” means—
- (a) the target of achieving net zero carbon emissions by 2050;
 - (b) any target set under or for purposes connected with any enactment (including Scottish, Welsh or Northern Irish legislation, and retained EU law) relating to the environment or climate change;
 - (c) any goals and targets contained in an Environmental Improvement Plan, including the 25 Year Environment Plan;
 - (d) any target to which the UK is committed by virtue of being party to a relevant multilateral environmental agreement; and
 - (e) the United Nation’s Sustainable Development Goals.
- (5) In this section “relevant multilateral environmental agreement” means any multilateral or bilateral environmental agreement (and any protocol to that agreement) to which the United Kingdom is a party, including, but not limited to—
- (a) the United Nations Framework Convention on Climate Change 1992 and the Paris Agreement 2015;
 - (b) the Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973 (CITES);
 - (c) the United Nations Convention on Biological Diversity 1992, including the Cartagena Protocol on Biosafety;
 - (d) the United Nations Convention on the Law of the Sea 1982;
 - (e) the Aarhus Convention 1998;
 - (f) the United Nations Economic Commission for Europe Convention on Long-Range Transboundary Air Pollution 1979;
 - (g) the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) 1992; and
 - (h) the Basel Convention 1992.”

After Clause 2 - continued

LORD GRANTCHESTER
LORD PURVIS OF TWEED

Insert the following new Clause—

“Standards affected by international trade agreements

- (1) The Secretary of State must by regulations made by statutory instrument establish a code of practice setting out how a Minister of the Crown should take steps to maintain standards established by any enactment regarding—
 - (a) food,
 - (b) animal welfare,
 - (c) the environment,
 - (d) human rights,
 - (e) welfare, and
 - (f) labour law,

if a proposed international trade agreement is likely to affect such standards.
- (2) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.
- (3) The code under subsection (1) may provide that a Minister of the Crown ensures as far as possible that a future trade agreement is consistent with United Kingdom levels of statutory protection regarding, among other things—
 - (a) human, animal or plant life or health;
 - (b) animal welfare;
 - (c) the environment;
 - (d) food safety, quality, hygiene and traceability;
 - (e) employment and labour standards; and
 - (f) human rights and equalities, including but not limited to—
 - (i) women’s rights,
 - (ii) child rights, and
 - (iii) the Human Rights Act 1998.
- (4) This is in addition to and does not impact on the provisions in section 42 of the Agriculture Act 2020 (reports relating to free trade agreements).
- (5) Where a Minister of the Crown decides that it is appropriate and necessary to change standards in pursuit of an international trade agreement, a Minister of the Crown must—
 - (a) send a notification of the necessary changes to primary or subordinate legislation to the relevant Committee in each House of Parliament at the earliest opportunity;
 - (b) consult and seek the consent of the devolved authorities; and

After Clause 2 - continued

- (c) take steps to ensure that necessary changes to primary or subordinate legislation have completed their parliamentary processes before the final texts of agreed trade agreements, together with full impact assessments which cover the economic impacts and social, environmental, and animal welfare aspects of the agreement, in advance of such agreements being laid in Parliament under section 20 of the Constitutional Reform and Governance Act 2010.
- (6) In this section, “United Kingdom levels of statutory protection” means levels of protection provided for by or under any –
 - (a) primary legislation,
 - (b) subordinate legislation, or
 - (c) retained direct EU legislation, which has effect in the United Kingdom, or the part of the United Kingdom in which the regulations have effect, on the date on which a draft of the regulations is laid.”

BARONESS KIDRON
LORD STEVENSON OF BALMACARA
LORD CLEMENT-JONES
LORD SHEIKH

Insert the following new Clause –

“Protection of children online

- (1) The United Kingdom may only become a signatory to an international trade agreement if the conditions in subsection (2) are satisfied.
- (2) International trade agreements must be consistent with –
 - (a) other international treaties to which the United Kingdom is a party, and the domestic law of England and Wales (including any changes to the law after the trade agreement is signed), regarding the protection of children and other vulnerable user groups using the internet;
 - (b) the provisions on data protection for children, as set out in the age appropriate design code under section 123 of the Data Protection Act 2018 (age-appropriate design code) and other provisions of that Act which impact children; and
 - (c) online protections provided for children in the United Kingdom that the Secretary of State considers necessary.
- (3) In this section a “child” means any person under the age of 18.”

LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“Consent of devolved authorities

- (1) No international trade agreement may be authenticated by the United Kingdom so far as it contains provision which would be within the devolved competence of the Scottish Ministers (within the meaning given in paragraph 6 of Schedule 1), unless the Scottish Ministers consent.

After Clause 2 - continued

- (2) No international trade agreement may be authenticated by the United Kingdom so far as it contains provision which would be within the devolved competence of the Welsh Ministers (within the meaning given in paragraph 7 of Schedule 1), unless the Welsh Ministers consent.
- (3) No international trade agreement may be authenticated by the United Kingdom so far as it contains provision which would be within the devolved competence of a Northern Ireland department (within the meaning given in paragraph 8 of Schedule 1), unless a Northern Ireland devolved authority (within the meaning of paragraph 9 of Schedule 1) consents.
- (4) No international trade agreement may be authenticated by the United Kingdom unless a Minister of the Crown has consulted and sought the consent of devolved authorities on the implementation of international trade agreements.
- (5) An international trade agreement may be authenticated by the United Kingdom without the consent of devolved authorities sought under subsection (4) only if—
 - (a) the period of one month beginning with the day on which consent was first sought has elapsed, and
 - (b) a Minister of the Crown has made a statement to each House of Parliament explaining why consent has not been obtained.”

Clause 6

BARONESS KRAMER
LORD PURVIS OF TWEED

Page 4, line 16, at end insert—

- “() In order to provide the Secretary of State with the advice, support and assistance under subsection (1), the TRA must within six months of its establishment publish a strategy for its engagement with stakeholders, including, but not limited to—
- (a) representatives of climate change and environmental groups,
 - (b) businesses,
 - (c) small businesses,
 - (d) trades unions,
 - (e) consumers, and
 - (f) each of the devolved administrations.”

BARONESS MCINTOSH OF PICKERING

Page 4, line 17, leave out from “assistance” to end of line 18 and insert “may be requested under subsection (1) regarding—”

Page 4, line 22, at end insert “, and

- (c) any other matter within the remit or functions of the TRA.”

Member's explanatory statement

This amendment, together with that to page 4, line 17 in the name of Baroness McIntosh of Pickering, would focus the limits of a request to matters of international trade on which it would be appropriate for the TRA to provide advice.

Page 4, line 24, after “TRA” insert “regarding the scope of the request”

Member's explanatory statement

The amendment would clarify the purpose of the initial consultation before proceeding to a request under clause 6(1).

After Clause 6

LORD GRIMSTONE OF BOSCOBEL

Insert the following new Clause –

“PART 2A

THE TRADE AND AGRICULTURE COMMISSION

Trade and Agriculture Commission

- (1) The Secretary of State may appoint members to a committee to be known as the Trade and Agriculture Commission (the “TAC”).
- (2) The TAC’s purpose is to provide advice under section 42 of the Agriculture Act 2020 (*Reports relating to free trade agreements*).
- (3) When appointing members to the TAC, the Secretary of State must have regard to the desirability of appointing members who, between them, have expertise in –
 - (a) United Kingdom animal and plant health standards,
 - (b) United Kingdom animal welfare standards,
 - (c) United Kingdom environmental standards as they relate to agricultural products, and
 - (d) international trade law and policy.
- (4) In subsection (3)(c), “agricultural products” has the meaning given in section 42 of the Agriculture Act 2020.”

Member's explanatory statement

This amendment would provide for appointments to, and the purpose of, the Trade and Agriculture Commission.

LORD STEVENSON OF BALMACARA

As an amendment to the first new Clause after Clause 6 in the name of Lord Grimstone of Boscobel printed on sheet HL Bill 128 – R(g)

at end insert –

- “(5) The Secretary of State may by regulations made by statutory instrument appoint similar trade committees for other sectors, including, but not limited to –
 - (a) automotive, aerospace and marine,
 - (b) British manufactured and consumer goods,
 - (c) telecoms and technology,

After Clause 6 - continued

- (d) chemicals,
 - (e) life sciences,
 - (f) creative industries,
 - (g) investment,
 - (h) transport services,
 - (i) professional advisory services, and
 - (j) financial services.
- (6) When appointing members of any of these committees, the Secretary of State must have regard to the desirability of appointing members who represent –
- (a) a trade union, and
 - (b) the Confederation of British Industry,
- who have knowledge and experience of the devolved areas of the United Kingdom.
- (7) Regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

LORD GRIMSTONE OF BOSCOBEL

Insert the following new Clause –

“Trade and Agriculture Commission: advisory functions

- (1) Section 42 of the Agriculture Act 2020 is amended as follows.
- (2) After subsection (4), insert –
- “(4A) In preparing the report, the Secretary of State must –
- (a) request advice from the Trade and Agriculture Commission on the matters referred to in subsection (2) except insofar as they relate to human life or health, and
 - (b) publish the request, together with any associated terms of reference or guidance.
- (4B) Before laying the report, the Secretary of State must lay before Parliament any advice received in response to a request under subsection (4A).”
- (3) In subsection (5) –
- (a) after “report” insert “or advice received in response to a request under subsection (4A)”;
 - (b) omit “of it”;
 - (c) in paragraph (d) after “report” insert “or advice”.
- (4) After subsection (6), insert –
- “(6A) On or before the third anniversary of IP completion day and at least once every three years thereafter, the Secretary of State must review the operation of subsections (4A) and (4B) and consider whether to make regulations under subsection (6B).
- (6B) The Secretary of State may by regulations repeal subsections (4A), (4B) and (6A), and amend subsection (5) to remove reference to advice requested in accordance with subsection (4A).

After Clause 6 - continued

- (6C) Regulations under subsection (6B) are subject to the affirmative resolution procedure and may not come into force before the third anniversary of IP completion day.””

Member’s explanatory statement

This amendment would require the Secretary of State to seek advice from the Trade and Agriculture Commission in preparing a report under section 42 of the Agriculture Act 2020.

Insert the following new Clause—

“Trade and Agriculture Commission: further provision

- (1) Members of the TAC are not to be regarded as servants or agents of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Secretary of State may provide members of the TAC with such staff, accommodation, equipment or other facilities as the Secretary of State may consider appropriate in connection with the preparation of advice requested under section 42 of the Agriculture Act 2020.
- (3) The Secretary of State may pay, or make provision for paying, expenses to any member of the TAC in connection with the preparation of advice requested under section 42 of the Agriculture Act 2020.
- (4) Schedule 6 contains provision applying legislation relating to public bodies to the TAC.”

Member’s explanatory statement

This amendment would make provision about administrative matters relating to the Trade and Agriculture Commission.

Insert the following new Clause—

“Trade and Agriculture Commission: repeal

- (1) The Secretary of State may by regulations made by statutory instrument repeal sections (*Trade and Agriculture Commission*) to (*Trade and Agriculture Commission: further provision*).
- (2) Regulations under subsection (1) may make incidental, supplementary, consequential, transitional, transitory or saving provision, and such provision may modify an Act of Parliament.
- (3) Regulations under subsection (1) may not come into force before regulations under section 42(6B) of the Agriculture Act 2020.
- (4) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”

Member’s explanatory statement

This amendment would empower the Secretary of State to repeal provision relating to the Trade and Agriculture Commission if the Secretary of State’s duty to seek its advice under the Agriculture Act 2020 is repealed.

Clause 8

LORD GRIMSTONE OF BOSCOBEL

Page 5, line 22, after “trade,” insert –

“(ab) facilitating the exercise by a devolved authority of the authority’s functions relating to trade,”

Member’s explanatory statement

This amendment would ensure that HMRC is able to disclose information to a devolved authority.

Page 6, line 9, after “2016” insert “(save that the powers conferred by this section are to be taken into account when determining whether a disclosure is prohibited by those provisions)”

Member’s explanatory statement

This amendment would correct a drafting error: the words in parenthesis should limit both paragraphs in subsection (6).

Clause 9

LORD GRIMSTONE OF BOSCOBEL

Page 7, line 6, after “2016” insert “(save that the powers conferred by this section are to be taken into account when determining whether a disclosure is prohibited by those provisions)”

Member’s explanatory statement

This amendment would correct a drafting error: the words in parenthesis should limit both paragraphs in subsection (8).

Clause 10

LORD GRIMSTONE OF BOSCOBEL

Page 7, line 46, at end insert –

“(5) In relation to an offence committed before the commencement of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020, the reference in subsection (4)(b)(i) to 12 months is to be read as a reference to 6 months.”

Member’s explanatory statement

This amendment would take account of the fact that magistrates do not have powers to confer a 12 month sentence (because paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 is yet to come into force).

After Clause 10

LORD LANSLEY

Insert the following new Clause –

“International disputes

In section 32 of the Taxation (Cross-border Trade) Act 2018 (regulations etc), subsection (3), at the end insert –

“(d) regulations under section 15 (international disputes etc).”

Member’s explanatory statement

This new Clause would amend the Taxation (Cross-border Trade) Act 2018 to require that, where the Secretary of State proposes tariff increases in pursuance of an international dispute (not as a trade remedy), such a regulation must be made subject to an affirmative procedure.

Clause 11

LORD GRIMSTONE OF BOSCOBEL

Page 8, line 4, at end insert –

““devolved authority” has the meaning given in section 4(1);”

Member’s explanatory statement

This amendment is consequential on the Government’s amendment to clause 8, page 5, line 22.

Before Schedule 1

BARONESS MCINTOSH OF PICKERING

BARONESS HENIG

BARONESS JONES OF MOULSECOOMB

BARONESS RITCHIE OF DOWNPATRICK

Insert the following new Clause –

“THE TRADE AND AGRICULTURE COMMISSION

Status

- 1 (1) The TAC is not to be regarded –
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The TAC’s property is not to be regarded –
 - (a) as the property of the Crown, or
 - (b) as property held on behalf of the Crown.

Membership

- 2 (1) The TAC is to consist of –
 - (a) a Chair appointed by the Secretary of State,
 - (b) other non-executive members appointed by the Secretary of State,
 - (c) a chief executive appointed by the Chair with the approval of the Secretary of State or, if the first Chair has not been appointed, by the Secretary of State, and

Before Schedule 1 - continued

- (d) other executive members appointed by the Chair.
- (2) The Secretary of State must consult the Chair before appointing the other non-executive members.
- (3) The Secretary of State and the Chair must ensure, so far as practicable, that the number of non-executive members is at all times greater than the number of executive members.

Terms of appointment and tenure of members

- 3 A person holds and vacates office as a member of the TAC in accordance with the terms and conditions of the person's appointment.
- 4 The terms and conditions of a person's appointment as a non-executive member of the TAC are to be determined by the Secretary of State; but that is subject to the following provisions of this Schedule.
- 5 The terms and conditions of a person's appointment as an executive member of the TAC are to be determined by the Chair with the approval of the Secretary of State; but that is subject to the following provisions of this Schedule.
- 6 The terms and conditions of a person's appointment may cover, among other things –
 - (a) the period for which the person is to hold office;
 - (b) the person's eligibility for re-appointment;
 - (c) circumstances in which a person's membership may be suspended.
- 7 A person may resign from office as a non-executive member of the TAC by notifying the Secretary of State.
- 8 A person may resign from office as an executive member of the TAC by notifying the Chair.
- 9 The Secretary of State may remove a person from office as a non-executive member of the TAC if, in the opinion of the Secretary of State, the person is unable or unfit to carry out the functions of the office.
- 10 The Chair may remove a person from office as an executive member of the TAC if, in the opinion of the Chair, the person is unable or unfit to carry out the functions of the office.

Procedure

- 11 The TAC may determine its own procedure and the procedure of any TAC committee (including quorum).
- 12 The validity of any proceedings of the TAC is not affected by a vacancy or defective appointment.

Other provision

- 13 The Secretary of State may by regulations make other provision about the TAC including provision about –
 - (a) staffing;
 - (b) remuneration of members and staff;
 - (c) delegation of functions;
 - (d) funding;
 - (e) accounts and reporting.

Before Schedule 1 - continued

- 14 A statutory instrument containing regulations under paragraph 13 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

LORD BLENCATHRA
LORD ALTON OF LIVERPOOL

Insert the following new Schedule—

“HUMAN RIGHTS

The right to life
Freedom from torture
Freedom from slavery
The right to liberty
The right to a fair trial
The right not to be punished for something that was not against the law at the time
The right to respect for family and private life
Freedom of thought, conscience and religion
Freedom of expression
Freedom of assembly
The right to marry and start a family
The right not to be discriminated against in respect of these rights
The right to protection of property
The right to education
The right to participate in free elections
The abolition of the death penalty”

Schedule 2

LORD LENNIE
BARONESS BENNETT OF MANOR CASTLE

Page 13, line 26, leave out from “section 1(1)” to end of line 27 and insert “may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Schedule 4

LORD STEVENSON OF BALMACARA
BARONESS BENNETT OF MANOR CASTLE

Page 17, line 25, at end insert –

“() In making appointments the Secretary of State must ensure that there is an appropriate balance among members of the Trade Remedies Authority of persons who have skills, knowledge or experience relating to producers, trade unions, consumers and devolved administrations in different parts of the United Kingdom.”

After Schedule 5

LORD GRIMSTONE OF BOSCOBEL

Insert the following new Schedule –

“SCHEDULE 6

TRADE AND AGRICULTURE COMMISSION: PUBLIC AUTHORITIES LEGISLATION

Public records

- 1 In Part 2 of the Table in paragraph 3 in Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate place insert –

“Trade and Agriculture Commission”

Investigations by the Parliamentary Commissioner

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments subject to investigation), at the appropriate place insert –

“Trade and Agriculture Commission”

House of Commons disqualification

- 3 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which members are disqualified), at the appropriate place insert –

“Trade and Agriculture Commission”

Northern Ireland Assembly disqualification

- 4 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which members are disqualified), at the appropriate place insert –

“Trade and Agriculture Commission”

Freedom of information

- 5 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which this Act applies), at the appropriate place insert –

“Trade and Agriculture Commission”

Public sector equality duty

- 6 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to the public sector equality duty), in the group of entries under the heading “Industry, Business, Finance, etc”, at the appropriate place insert –

“Trade and Agriculture Commission”

Member's explanatory statement

This amendment would provide the Schedule introduced by the amendment adding a new clause called "Trade and Agriculture Commission: further provision".

In the Title

LORD GRIMSTONE OF BOSCOBEL

Line 2, after "it;" insert "to make provision about the Trade and Agriculture Commission;"

Member's explanatory statement

This amendment would amend the long title to reflect new provision about the Trade and Agriculture Commission.